

ORDINANCE NO. 10-28

ORDINANCE GRANTING A VARIANCE PERMIT TO ALLOW A SECOND RESIDENTIAL UNIT WITH A FLOOR AREA OF 1,290 SQUARE FEET, WHERE A MINIMUM OF 1,500 SQUARE FEET ARE REQUIRED, ALLOW AN EAST SIDE SETBACK OF 6.68 FEET, WHERE AT LEAST 7.5 FEET ARE REQUIRED, ALLOW A REAR SETBACK OF 15 FEET, WHERE AT LEAST 25 FEET ARE REQUIRED, AND GRANTING AN ADJUSTMENT OF 10 FEET, AS TO THE DISTANCE BETWEEN THE FIRST AND SECOND UNIT, WHERE 20 FEET ARE REQUIRED, CONTRA TO HIALEAH CODE §§ 98-546, 98-547(a), AND 98-548. **PROPERTY LOCATED AT 484 EAST 12 STREET, HIALEAH, FLORIDA.** REPEALING ALL ORDINANCES OR PARTS OF ORDINANCES IN CONFLICT HEREWITH; PROVIDING PENALTIES FOR VIOLATION HEREOF; PROVIDING FOR A SEVERABILITY CLAUSE; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the Planning and Zoning Board at its meeting of April 14, 2010 recommended approval of this ordinance;

NOW, THEREFORE, BE IT ORDAINED BY THE MAYOR AND THE CITY COUNCIL OF THE CITY OF HIALEAH, FLORIDA, THAT:

Section 1: The below-described property is hereby granted a variance permit to allow a second residential unit with a minimum floor area of 1,290 square feet, where a minimum floor area of 1,500 square feet is required; to allow an east side setback of 6.68 feet, where at least 7.5 feet are required; to allow a rear setback of 15 feet, where at least 25 feet are required; and granting an adjustment of 10 feet, as to the distance between the first and second unit, where 20 feet are required, contra to Hialeah Code §§ 98-546, 98-547(a), and 98-548, which provide in pertinent part: "In the R-2 one- and two-family residential district, there shall be side yards, the width of each to be not less than ten percent of the average width of the lot, but in no case shall each such side yard be less

than 7½ feet in width.”, “In the R-2 one- and two-family residential district, every principal residential building shall provide a rear yard of a minimum depth of 25 feet to a rear lot line or front of an accessory building, and every accessory building shall provide a rear yard with a minimum depth of 7½ feet.”, and “In the R-2 one- and two-family residential district, the total minimum floor area of two-family residences shall be 1,500 square feet...”, respectively. Property located at 484 East 12 Street, Hialeah, Miami-Dade County, Florida, zoned R-2 (One and Two-Family Residential District), and legally described as follows:

LOTS 13 AND 14, TOGETHER WITH THE NORTH ½ OF THE 12-FOOT ALLEY LYING SOUTH AND ADJACENT THERETO, IN BLOCK 6-E, OF “EIGHTH ADDITION TO HIALEAH”, ACCORDING TO THE PLAT THEREOF, AS RECORDED IN PLAT BOOK 9, PAGE 11, OF THE PUBLIC RECORDS OF MIAMI-DADE COUNTY, FLORIDA.

Section 2: Repeal of Ordinances in Conflict.

All ordinances or parts of ordinances in conflict herewith are hereby repealed to the extent of such conflict.

Section 3: Penalties.

Every person violating any provision of the Code or any ordinance, rule or regulation adopted or issued in pursuance thereof shall be punished by a civil penalty not to exceed \$500.00 within the discretion of the court or administrative tribunal having jurisdiction. Each act of violation and each day upon which any such violation shall occur shall constitute a separate offense. In addition to the penalty prescribed above, the city may pursue other remedies such as abatement of nuisance, injunctive relief, administrative adjudication and revocation of licenses or permits.

Section 4: Severability Clause.

If any phrase, clause, sentence, paragraph or section of this ordinance shall be declared invalid or unconstitutional by the judgment or decree of a court of competent jurisdiction, such invalidity or unconstitutionality shall not affect any of the remaining phrases, clauses, sentences, paragraphs or sections of this ordinance.

Section 5: Effective Date.

This ordinance shall become effective when passed by the City Council and signed by the Mayor or at the next regularly scheduled City Council meeting, if the Mayor's signature is withheld or if the City Council overrides the Mayor's veto.

PASSED and ADOPTED this 11th day of May, 2010.

THE FOREGOING ORDINANCE
OF THE CITY OF HIALEAH WAS
PUBLISHED IN ACCORDANCE
WITH THE PROVISIONS OF
FLORIDA STATUTE 166.041

Attest: PRIOR TO FINAL READING.


Rafael E. Granado, City Clerk


Carlos Hernandez
Council President

Approved on this 13 day of May, 2010.


Mayor Julio Robaina

Approved as to form and legal sufficiency:


William M. Grodnick, City Attorney

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Ordinance was adopted by a unanimous vote with Councilmembers, Caragol, Casals-Muñoz, Cue, Garcia-Martinez, Gonzalez, Hernandez, and Yedra voting "Yes."